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Substance Abuse Requirements in Coal Mine Safety Act Effective July 1, 2007

Richmond – As a result of changes to coal mine safety laws that became effective July 1, 2007, coal miners can now be required to take substance abuse tests if a state mine safety inspector has reasonable cause to believe a miner is impaired or that such impairment has contributed to a serious mine-related injury or fatality, the Department of Mines, Minerals and Energy (DMME) announced today. Governor Timothy M. Kaine signed Senate Bill 1091 on April 11, 2007, enacting several changes to the Virginia Coal Mine Safety Act related to miner certification and mine safety, including the substance abuse control provisions.

DMME Division of Mines inspectors are currently visiting each shift at all coal mines to meet with mine operators and miners to review the new substance abuse control standards, according to DMME Division of Mines Chief Frank Linkous. "These new requirements will help ensure that Virginia miners are afforded a safer work environment through the control of substance abuse," said Linkous. "Our ongoing orientation at each mine is important to introduce each miner to the requirements so they will fully understand their obligation and rights under the law. Failure to comply will result in the suspension of the miner's certification."

Each mine will now be required to establish a written substance abuse policy and program. The policy and program, at a minimum, must provide for a pre-employment, 11-panel urine test for all miners. Samples must be collected and tested by certified providers and laboratories. DMME can accept appropriate testing results provided by a mine. An employee taking prescribed, controlled medications, should have this information documented by the company and on file at the mine site in accordance with the company's substance abuse policy. Under the

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new law, an employee's presence at the mine represents that individual's consent to a reasonable search of his person and personal property located at the mine site. Any miner testing positive or otherwise in violation of the company's substance abuse policy must be reported to the DMME resulting in immediate temporary suspension of all certifications held by the miner.

Should a miner have his certification suspended as the result of a substance abuse test he will not be allowed to work at any licensed coal mine in Virginia. This information will also be provided to Kentucky and West Virginia mining authorities according to bi-state reciprocity agreements and could affect any joint certification or any attempt to work at mines in those states. The Board of Coal Mining Examiners will review certification suspensions for possible restoration on request within 40 to 60 days.

Beginning June 18, 2007, Division of Mines field personnel started meetings with licensed coal mining operations to review the law changes. Inspectors and specialists are coordinating with mine operators to meet with all miners on all shifts. During these meetings, copies of the amended portion of the law are distributed and reviewed with each miner. Other information related to substance abuse sample collection and testing, and frequently asked questions and answers on these issues are being provided to each miner. This information is also posted on the DMME web site at www.dmme.virginia.gov.

Division of Mines personnel are also assisting mine operators with requirements for written substance abuse policy and program standards by making available generic plans, and providing other assistance as needed for meeting sampling, testing and reporting requirements imposed by the new law. Copies of required forms for reporting positive screening results and other violations of the mine substance abuse policy and program are also being provided at each mine. Lists of certified drug sampling providers and testing labs are being compiled and will be provided to all operators upon completion.

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